

Application No. 09/664,969
Amendment Dated December 8, 2004
In Reply to Office Action dated June 8, 2004

Remarks

Claims 1-50 are pending.

Claims 1-50 stand rejected.

Claims 1, 17, 21, 37 and 41 have been amended.

Claims 51-52 have been added.

Claims 1-52 are submitted herein for review.

No new matter has been added.

In paragraph 6 of the Office Action the Examiner has rejected claims 1-5 as being unpatentable over Ogawa et al. (U.S. Patent No. 5,608,874), further in view of Lake et al. (GB 2,255,625A). In paragraph 7 of the Office Action the Examiner has rejected claims 6-10 as being unpatentable over Ogawa and Lake as applied to claims 1-5, further in view of Feinberg (U.S. Patent No. 6,082,776). Later in paragraph 7 of the Office Action the Examiner has rejected claims 11-16 as being unpatentable over Ogawa, Lake and Feinberg as applied to claims 1-9, further in view of Kara (U.S. Patent No. 6,088,695). In paragraph 8 of the Office Action the Examiner has rejected claims 17-25 and 37-40 as being unpatentable over Kara, further in view of Lake and Ogawa. In paragraph 9 of the Office Action the Examiner has rejected claims 26-36 as being unpatentable over Kara, Lake and Ogawa as applied to claims 17-25 and 37-40, further in view of Feinberg. The Examiner presents additional remarks rejecting claims 41-50 using the same four references as cited in paragraph 9.

Application No. 09/664,969
Amendment Dated December 8, 2004
In Reply to Office Action dated June 8, 2004

Applicants respectfully disagree with the Examiner's contentions and submit the following remarks in response.

The present invention as claimed in independent claim 1 is directed to a system having a means for receiving information from a plurality of facsimile devices. The facsimile devices are configured to transmit a facsimile image of an original document along with a separate facsimile form having a coded information thereon. The coded information used to associate the original document with an account.

A means is provided for communicating with an interactive user device. A processor is coupled to the interactive user device via Internet and to the facsimile device via a public-switched telephone network. The processor is configured to receive from the facsimile device a transmission of the facsimile image of the original document and the separate facsimile form. The processor stores the facsimile image of the original document in the account associated with the coded information on the separate facsimile form and provides to an authorized user of the interactive user device, upon request at any time, access to the facsimile image of the original document from the account associated with the coded information.

The above arrangement of the present invention provides for a centralized means for storing records, such as medical records, that has features that are advantageous over prior art systems.

For example, a user, such as a patient, who wishes to store their medical records in a central location simply asks a treating doctor to facsimile their original medical documents along with a separate facsimile form having a coded information thereon. The coded

Application No. 09/664,969
Amendment Dated December 8, 2004
In Reply to Office Action dated June 8, 2004

information is used by the processor to associate and store the original medical documents in the patient's account. Whenever and wherever that patient then travels, by providing authorization, the patient can obtain their medical records.

This entire system and method is used with basic facsimile devices for transmitting documents to the system and does not require encryption and de-encryption equipment to be distributed to all of the locations where the original documents are being sent from or are being delivered. Furthermore, in addition to not requiring the distribution of encryption and de-encryption equipment/software, the records are stored for later access by the central system. This allows the patient, wherever they travel, to obtain essential medical files at any time.

These features have a particular advantage when, for example, on vacation a patient is struck ill and needs to enter a hospital. Requiring only the authorization from the patient, the treating hospital can have instant access to all of the patient's medical records, to check for past conditions, allergies, etc..., without requiring any specialized equipment for receiving those records.

In addition to these features new dependent claim 51 is directed to a feature whereby a second coded information is also included with the original documents. Here, both a doctor and a patient may both have an original document stored in separate accounts with separate authorization from a single submission. For example, when submitting the original documents, both the doctor and patient both submit a coded information with the original documents. Thereafter a doctor accessing their account will have access to the records of every one of the patient records they created and stored with the system. The patient will have

Application No. 09/664,969
Amendment Dated December 8, 2004
In Reply to Office Action dated June 8, 2004

unlimited access to all of their records, and are free to give authorization to whoever they deem necessary. This feature is shown in the originally filed Figure 11, and the accompanying specification on page 29.

The Examiner has cited to the new reference Ogawa as the principle reference cited against independent claim 1. The Ogawa reference is directed to a system and method for automatic data file format translation. One feature in Ogawa, shown in Fig. 10 and discussed in columns 27-29, teaches a system where a provider of a data file transmits by facsimile a file to a main processing section. The processing section translates (by OCR Optical Character Recognition, for example) the print document to an electronic format and delivers it back to the sender by modem when the translation is completed. This process is described in detail on column 29 of Ogawa. It is apparent from these examples that the system doing the translation is also responsible for the delivery of the data to the group requesting the translated data.

Other prior art cited by the Examiner in the previous Office Action, namely Kara, teaches a system for transmitting coded medical data to a central computer filing system, where the data can be accessed at a later date by other users. As noted previously, in the Kara system, original data is first generated and then encoded prior to transmission to the central system, requiring a scanner and encoding software at the records origin location. As explained in lines 48-62 of column 4, Kara requires that the original document 100A be converted into an encoded document 100B so that it is "suitable for transmission to and subsequent input into a centralized processor based system such as PC 120."

Also cited previously, the Lake reference, teaches a facsimile transmission encryption system whereby a barcode is used to send encrypted data between machines, capable

Application No. 09/664,969
Amendment Dated December 8, 2004
In Reply to Office Action dated June 8, 2004

of reading the particular code, such that if sensitive material is transmitted to an incorrect facsimile number, the errant receiving machine will not be able to decrypt the contents of the facsimile. As explained on pages 6 and 7 of the Lake reference, the facsimile machines require a computer system operatively connected with the facsimile machine for adding the outgoing encryption bar code or reading the incoming encrypted barcode.

The previously cited prior art Feinberg, is directed to a personal data card which contains a certain amount of personal information in a person readable format, and an elaborate coding mechanism for converting confidential medical data into a series of barcodes. Each area of the bar coding is assigned to different aspects of the patient's medical history so that patient can carry their entire medical history on their person in case of emergency.

Contrary to the Examiner's assertions the cited prior art, namely Ogawa and Lake, do not teach all of the elements of the present invention as claimed in claim 1. For example, there is no teaching or suggestion in either one of Ogawa or Lake, either alone or in combination with one another, that disclose a processor configured to store facsimile images of an original document in an account associated with a coded information on a separate facsimile form and to provide to an authorized user of the interactive user device, *upon request at any time, access to that facsimile image of the original document from the account associated with the coded information.*

As noted above, Ogawa simply translates data into a different format and delivers it when done on its own timetable, which is not analogous to the present invention where the original documents are stored and accessible at any time upon authorization.

For at least this reason, Applicants respectfully request that the rejection of

Application No. 09/664,969
Amendment Dated December 8, 2004
In Reply to Office Action dated June 8, 2004

independent claim 1, be withdrawn. Furthermore, as claims 2-16 and 51-52 depend therefrom, they should be allowed for the same reasons.

It is further noted that Examiner has rejected claims independent claims 17, 21, 37 and 41 as being unpatentable over Kara, Owaga and Lake. However, for similar reasons outlined above, none of these references, either alone or in combination with one another teach or suggest all of the elements of these independent claims.

For example, independent claim 17 includes the limitations of 1) said processor is configured to receive from said facsimile device a transmission of *a facsimile image of an original document* along with a separate facsimile form having a coded information thereon and 2) a processor configured to store a facsimile image of an original document in an account associated with a coded information on a separate facsimile form, and, *upon a request received via the telephone at any time, to transmit the facsimile image of the original document from the account associated with the coded information to a user designated facsimile device.*

Independent claim 21 includes the steps of 1) receiving at said processor said transmission of *facsimile image of said original document* and said separate facsimile form and 2) storing at a processor a facsimile image of an original document in an account associated with coded information on a separate facsimile form; and *providing that facsimile image of the original document from the account associated with the coded information to an authorized user via Internet at the interactive user device in response to a request received at any time therefrom.*

Independent claim 37 includes the steps of 1) receiving at said processor said transmission of said *facsimile image of said original document* and said separate facsimile form

Application No. 09/664,969
Amendment Dated December 8, 2004
In Reply to Office Action dated June 8, 2004

and 2) storing at a processor a facsimile image of an original document in an account associated with coded information on a separate facsimile form; and *providing the facsimile image of the original document from the account associated with the coded information to an authorized user at a user designated facsimile device at in response to a request received at any time via telephone.*

Independent claim 41 includes the limitations of 1) a barcode, associated with a patient's account, configured to be separately transmitted *along with a patient's original medical record* and 2) a barcode, associated with a patient's account, configured to be separately transmitted along with a patient's original medical record via a public switched telephone network to a processor where the processor is configured to store the patient's original medical record in the patient's account associated with the barcode and patient access to information *which enables the a user, authorized by the patient, to access at any time and display the original medical record associated with the patient's account via Internet.*

As noted above, neither the Kara, Lake nor Ogawa references, either alone or in combination with one another, teach or suggest these elements. As noted in the previous Office Action and as indicated above, neither Kara nor Lake transmit *original documents* but rather encrypt data before transmission. Furthermore, as indicated above, Ogawa simply translates data into a different format and delivers it on its own timetable, when done, which is not analogous to the present invention where the original documents are stored and accessible at any time upon authorization.

For at least these reasons, Applicants respectfully request that the rejection of

Application No. 09/664,969
Amendment Dated December 8, 2004
In Reply to Office Action dated June 8, 2004

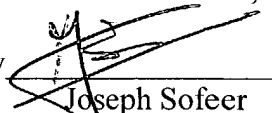
independent claims 17, 21, 37 and 41 be withdrawn. Furthermore, as claims 18-20, 22-36, 38-40 and 42-50 depend therefrom respectively, they should be allowed for the same reasons.

Applicants respectfully submit that pending claims 1-52 are now in condition for allowance, the earliest possible notice of which is earnestly solicited. If the Examiner feels that an interview would facilitate the prosecution of this Application he is invited to contact the undersigned at the number listed below.

Respectfully submitted,

SOFER & HAROUN, L.L.P.

By



Joseph Sofeer
Reg. No 34,438
317 Madison Avenue
Suite 910
New York, NY 10017
(212) 697-2800

Dated: 12/8/04